

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

HERBERT A. CONLEY,

Plaintiff,

vs.

YELLOW FREIGHT SYSTEMS, INC.,

Defendant.

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No. 1:06-cv-164

Edgar

**PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff files herewith his response to defendant's motion for summary judgment, pursuant to Rule 56, Federal Rules of Civil Procedure.

In response to said motion, plaintiff relies upon:

1. The affidavit of plaintiff, with Exhibits A through J;
2. The affidavit of Gerald Wayne Shelton;
3. The affidavit of James Stockley;
4. The affidavit of George M. Derryberry, including the following exhibits: Exhibit A, consisting of portions of the 05/04/05 deposition of plaintiff; Exhibit B, consisting of portions of the 05/05/05 affidavit of Terry Lee Cobb; Exhibit C, consisting of portions of the 05/05/05 deposition of Jeffrey Andrew Kisor; Exhibit D, consisting of portions of the official file relating to plaintiff's claim for unemployment benefits with the Tennessee Department of Labor and Workforce Development, Employment Division; and Exhibit E, consisting of portions of Volume 128, Part 124, of the Congressional Record for 12/19/82, regarding legislative history of 49 U.S.C. § 31105.

5. Plaintiff's memorandum in response to defendant's motion for summary judgment.

Respectfully submitted,

GEORGE M. DERRYBERRY

By: s/George M. Derryberry
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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2007, a copy of the foregoing document entitled Plaintiff's Response to Defendant's Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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